

**BRIAN J. SMITH, ESQ.**  
**Nevada Bar Number 11279**  
**9525 Hillwood Drive, Suite 190**  
**Las Vegas, Nevada 89134**  
**Phone: (702) 380-8248**  
**Fax: (702) 868-5778**  
**brian@bjsmithcriminaldefense.com**  
**Attorney for DELEMUS**

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Case No: 2:16-CR-00046-GMN-PAL</b>
	)	
<b>vs.</b>	)	
	)	<b>REPLY TO GOVERNMENT'S REPOSE</b>
<b>GERALD DELEMUS,</b>	)	<b>IN OPPOSITION TO DEFENDANT'S</b>
	)	<b>MOTION TO REVIEW DETENTION</b>
<b>Defendant.</b>	)	<b>ORDER PURSUANT TO</b>
	)	<b>18 U.S.C § 3145(b)</b>
	)	

---

Operations to seize the cattle from BUNDY were ceased following the events during the daytime of April 12, 2014. It was at this point that DELEMUS entered the scene in Bunkerville, Nevada.

At the outset, it should be noted that the original detention order did not find DELEMUS to be a risk of flight. As such, this argument focuses on the alleged danger to the community.

It must be understood that DELEMUS' role in the events surrounding April 12, 2014 is limited to stages during which federal operations had ceased as far as attempting active control over the Bundy cattle. Thus, DELEMUS was not involved in the activities that have been construed as a threat to Federal agents.

In contrast, the Government's position regarding the Conspiracy charge that "once he's in; he's in," (Gov. Reply at 6) DELEMUS' role in the events can arguably be explained by a position of protest in the capacity of a political activist. In fact, DELEMUS' personal history and character, attested to by various influential and concerned individuals including several Republican state legislators within his original detention

1 hearing, exemplifies a law-abiding, patriotic individual. DELEMUS is married to an elected  
2 leader in New Hampshire, Susan Delemus. His position is not one of a violent or reckless  
3 “barn burner”, but instead stands in stark contrast as a deeply committed citizen who  
4 stands by what he believes in. This is a far cry from the type of individual painted by the  
Government.

5 The position of DELEMUS as essentially a non-violent activist is further reinforced  
6 by the fact that he is widely known in his community as a mediator and peacekeeper. He  
7 was not found to be pointing weapons at federal officers, nor was he found making  
8 anything more than ambiguous statements towards his methods of protest. DELEMUS  
9 has absolutely no history of violence, and as actions speak more clearly than words at  
10 this stage in the proceedings, what is on record is DELEMUS’ actions as a neutral arbiter  
11 between the Bundy group and law enforcement. This role is also confirmed in the more  
12 recent related events in Oregon, as DELEMUS’ role there was to immediately and  
personally contact the FBI in order to attempt to curb the chance of violence.

13 The Government contends that even if DELEMUS was acting as a peacemaker  
14 and conduit he was still supporting the alleged violent inclinations of the Bundy group.  
15 This argument is countered by the fact that he ran for Sheriff of Stafford Count in New  
16 Hampshire. He also spent time working for the Donald Trump campaign trail as co-chair  
17 of the candidate’s “Veterans for Trump” coalition, and as head of the Granite State  
18 Patriots Liberty PAC. DELEMUS also started up and led a local version of Glenn Beck’s  
19 “9-12 project,” comprised of nine principles and 12 values Beck says represent those of  
the Founding Fathers.

20 As such, it is through understanding of the character and career of DELEMUS that  
21 it becomes clear he does not pose a danger to the community, nor does he present as a  
22 flight risk.

23 DATED this 11th day of May, 2016.

24  
25 /s/ Brian J. Smith

26 BRIAN J. SMITH  
27 Nevada Bar No.: 11279  
28 9525 Hillwood Drive, Suite 190  
Las Vegas, Nevada 89134

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she is an employee of the Law Office of Brian J. Smith, Ltd., and is a person of such age and discretion as to be competent to serve papers. That on May 11, 2016, she served an electronic copy of the above and foregoing **REPLY TO GOVERNMENT'S REPOSONSE IN OPPOSITION TO DEFENDANT'S MOTION TO REVIEW DETENTION ORDER PURSUANT TO 18 U.S.C. § 3145(b) (C.R. 319)**, by electronic service (ECF) to the persons named below and via United States Postal Service, first class mail, to the defendant:

Daniel G. Bogden, Esq.  
NICHOLAS D. DICKINSON  
NADIA JANJUA AHMED  
STEVEN W. MYHRE  
ERIN M. CREEGAN  
Attorneys for the United States of America  
Via CM/ECF

GERALD DELEMUS  
Henderson Detention Center  
18 S. Water St.  
Henderson, NV 89015  
Via USPS

/s/ Mary Jo Fata  
Employee of the  
Law Office of Brian J. Smith, Ltd.